President Taft on the Obligations of Lawyers to the Public.

In an address before the students of the Ohio Northern University early in June, President Taft took occasion to criticize in trenchant language the members of the bar for the lengths to which many of them go in taking advantage of technicalities and in resorting to other more reprehensible "tricks of the trade" to win their cases. He deplored the fact that the ethical and professional standards of the bar as a whole are not as high as they should be and that the sense of obligation which lawyers feel as officers of the court and as public servants is entirely too light. The President said no one could have a profounder admiration for the legal profession than he had, yet it must be recognized that the administration of justice in this country has suffered grievously from the intensity with which lawyers have served their clients and the lightness of the obligation which they have felt to the court and to the public. "The unscrupulous means to which counsel frequently resort in the defense of the interest of their clients," he said, "was often the occasion for popular resentment and had much to do with the disgraceful condition in which the administration of the criminal law now finds itself." "The awakened moral conscience of the country," the President concluded, "can find no better object for its influence than in making lawyers understand that their obligation to their clients is only to see that their clients' legal rights are protected, and that they need not and ought not to lose their own identity as officers of the law in the cause of their clients and recklessly resort to every expedient to win the case. I believe that there is no escape from the evil tendencies to which I have referred except by inducing the bar to cleanse itself of those who in the interests of their clients forget their obligations as attorneys to the court and their duties as citizens." J. W. G.

A Technicality Plea Overruled.

An illustration of the lengths to which some lawyers go in their efforts to have their clients freed upon technicalities which have no relation to the merits of the case was afforded in the recent trial of Lee O'Neill Browne in Chicago upon the charge of bribery in connection with the election of Senator Lorimer. In this case an effort was made by counsel to secure the release of the accused on a writ of habeas corpus on the ground that no criminal offense was committed against the laws of Illinois because the joint assembly which chooses a United States Senator is not the legislature of the state but a creation of the Federal government. Consequently when a member

of the legislature enters such an assembly for the purpose of assisting in the election of a senator he ceases to be a member of the legislature and becomes an agent of the Federal government and is not therefore amenable to the laws of the state against bribery. That such an argument should be addressed to a court in the face of the constitutional prescription that senators of the United States shall be chosen by the state legislatures is a good illustration of the reliance which lawyers who have cases without merits place upon technicalities, and of the lightness with which, as President Taft remarks, they regard their obligations to society. Of course the presiding judge, being a man of common sense and desiring to see the case disposed of upon its merits, did not allow himself to be carried away by such sophistry and therefore denied the petition. But the affair is characteristic of the extent to which technicalities are relied upon in our criminal procedure and in some jurisdictions the plea might have been sustained as a good and valid one. J. W. G.

Lessons of the Thaw and Hyde Cases.

The Hyde case, which was recently concluded in Kansas City, like the Thaw case in New York, has again served to focus public opinion on the need of reform in our methods of conducting criminal trials, especially where expert testimony is the main reliance of the defense or the prosecution. The effect in both cases was to diminish rather than to increase popular respect for existing methods. The Kansas City *Star* recently entered a vigorous protest against the tactics employed by the lawyers in the Hyde case to shut out the truth and expressed disgust with our criminal procedure as it was followed in this notorious case. "At a moderate estimate," says the *Star*, "the jurors in the Hyde trial heard the phrase 'incompetent, irrelevant and immaterial' five thousand times. It was used fourteen times in twenty minutes in one afternoon. Each time it was offered as an objection to something which the lawyer believed to be competent, relevant and material—or he would not have objected to it." Again the *Star* remarks that "the whole procedure of a criminal trial like that of Dr. Hyde is essentially dishonest. It is hard for the people of a community to have genuine respect for legal administration which works to the suppression of facts and the evasion of law. Disrespect for the administration of law in the courts of law creates disrespect for law itself." It is precisely the last-mentioned effect of such trials upon the public mind that really constitutes the serious side of the situation. Ordinarily the break-